

# PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES

LCB File No. R049-15

*“Commercial Learners Permit” (CLP) defined.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*“Commercial Learners Permit” means a permit to operate a commercial motor vehicle issued under or granted by the laws of this State:*

- 1. In accordance with NRS 483.290
  - a. excluding subsection 2 (b)**
- 2. The future privilege to drive a vehicle by a person who does not hold a driver’s license or learners permit.*
- 3. The term includes, without limitation, permit, as used in NAC 483.799 – 483.850.*

Added a CLP definition based on CLP final rule and research

The CLP definition is based on the NAC definition of a license. *Having to hold a base license is in “Commercial Learners Permit” (CLP): Eligibility; effect.*

*“Foreign” defined.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*“Foreign” means outside the fifty United States and the District of Columbia.*

Added a Foreign definition based on CLP final rule and research

*“Hazardous materials” defined*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*“Hazardous materials” means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.*

Hazardous material definition was added since the NV definition was out of date and referenced in the CMV definition. CFR does not have their Hazardous material definition as part of the CMV definition it is referenced as a separate definition.

*“Non-domiciled commercial learners permit or non-domiciled commercial drivers license” defined.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- (1) “Non-domiciled commercial learners permit or non-domiciled commercial drivers license” means a CLP or CDL, respectively, issued by a State or other jurisdiction under either of the following two conditions:*
- a. To an individual domiciled in a foreign country meeting the requirements of 49 CFR 383.23(b)(1);or*
  - b. To an individual domiciled in another State meeting the requirements of 49 CFR 383.23(b)(2).*
- (2) Non-domiciled CLP or CDL to include without limitation the same meaning as set forth in NAC 483.015.*

Added Non-domiciled as a definition to match CFR and explain that NV will not issue a ND to an OOS resident.

*“State of domicile” defined.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*State of domicile means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.*

Added to help define what it is in the new regulation: *Non-Domicile commercial learners permit and non-domicile commercial drivers license prohibition; Limited term card.*

*“Commercial Learners Permit” (CLP): Eligibility; effect.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. A person who is at least 18 years of age and has a valid Nevada driver’s license or commercial driver’s license (CDL) may apply to the Department for a commercial learners permit (CLP).*
- 2. The CLP holder must have taken and passed a general knowledge test that meets the Federal standards contained in 49 CFR 383, subparts F, G, and H for the commercial motor vehicle that person operates or expects to operate.*
- 3. A CLP entitles the applicant, while having the CLP and underlying class A, B or C Nevada driver’s license or CDL in their immediate possession, to drive a designated class of commercial vehicle upon the highways.*
- 4. The CLP allows the holder of the permit to operate a commercial motor vehicle when accompanied by the holder of a valid CDL who:*
  - a. Is at least 25 years of age;*
  - b. Has been issued a CDL for the proper class and endorsements necessary for the type of vehicle being operated;*
  - c. Has had at least 1 year of licensed commercial driving experience in the class and endorsements necessary for the type of vehicle for which the CLP was issued; and*

- d. Must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.*
- 5. The issuance of a CLP is a precondition to the initial issuance of a CDL. The issuance of a CLP is also a precondition to the upgrade of a CDL if the upgrade requires a skills test.*
- 6. The CLP holder is not eligible to take the CDL skills test in the first 14 days after date of issuance of the CLP.*
- 7. A CLP holder with a tanker endorsement (N) may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.*

This is the CLP eligibility. It is a combination of the final rule and our current NAC for CDL IP eligibility.

*“Commercial Learners Permit” (CLP) disqualifications.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*Commercial learners permit holders are subject to the same disqualifications as a driver that is required to have a commercial driver’s license.*

This regulation is to make it clear the a CLP holder can be revoked, suspended, canceled or denied just like someone that should holds a CDL

*Commercial Learners Permit expiration and renewal.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. Every commercial learners permit expires 180 days from the date of issuance, in the case of an original issuance of a commercial learners permit.*
- 2. Every commercial learners permit expires 180 days from the date of issuance, in the case of a renewal of a commercial learners permit; and*
  - a. An applicant for a second renewal of a commercial learners permit must take all applicable commercial knowledge tests.*
- 3. A CLP that is expired over 30 days must take all applicable commercial tests.*
- 4. A licensee must renew his or her commercial learners permit in person at an office of the Department.*

This regulation is the CLP expiration date and how many times they can renew prior to taking all tests. It also says they must renew in office to mirror CDL regulations

*Documentation required for proof of legal residence, full legal name and age of applicant for a CDL or CLP; unacceptable documents.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. An applicant for a commercial license or commercial learners permit must present at least one of the following documents as proof of the applicant's full legal name and age as required pursuant to 49 CFR 383.71(b)(9):*
  - a. A valid, unexpired United States passport or United States passport card;*
  - b. A certified copy of a birth certificate issued by a state or local office of public health, vital records or vital statistics or an equivalent office in the state of the United States, the District of Columbia or the territory of the United States in which the applicant was born;*
  - c. A Consular Report of Birth Abroad issued by the United States Department of State;*
  - d. A Certificate of Naturalization issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;*
  - e. A Certificate of Citizenship issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;*
  - f. An unexpired Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.*
- 2. An applicant for a limited term commercial license or limited term commercial learners permit must present at least one of the following documents as proof of the applicant's full legal name and age as required pursuant to 49 CFR 383.71 (f)(2)(i):*
  - a. An unexpired employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;*
  - b. An unexpired foreign passport with a valid, unexpired United States visa which has affixed to it an unexpired arrival and departure record using Form I-94.*
- 3. The forms of identification that are unacceptable to the Department as proof of the full legal name and age of an applicant for a commercial driver's license or commercial learners permit in this State include, without limitation:*
  - a. An identification card issued by a consulate of a foreign government;*
  - b. A birth certificate issued by a hospital or foreign government;*
  - c. A Border Crossing Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; and*
  - d. A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States that does not comply with the requirements of 6 C.F.R. Part 37, Subparts A to E, inclusive.*
  - e. A Real ID driver's license, motorcycle driver's license or identification card from another state which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17.*

These are the acceptable docs for a CDL/CLP based on CFR 383.71 and current acceptable docs regulations. Removed Real ID per CLP roundtable meeting they are not an acceptable doc for proof of citizenship per CFR 383.71.

*Non-Domicile commercial learners permit and non-domicile commercial drivers license prohibition; Limited term card.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. The Department may issue a non-domiciled commercial learners permit or non-domiciled commercial drivers license in accordance with 383.71 (f)(1)(i) to an applicant whose is domiciled in a foreign jurisdiction as defined in 49 CFR 383.5.*
- 2. The Department may not issue a non-domiciled commercial learners permit or non-domiciled commercial drivers license in accordance with 383.71 (f)(1)(ii) to an applicant whose state of domicile is prohibited from issuing a CDL/CLP in accordance with 49 CFR 384.405*
- 3. The Department reserves the right to issue a commercial learners permit or commercial drivers license marked as Limited Term, pursuant to NAC 483.015, in lieu of one marked as Non-Domiciled, pursuant to subsection 1 of this part.*

This regulation allows the Department to issue a ND to DHS docs holders.

It will not allow a ND to be issued to an out of state resident if their state was decertified. (we couldn't issue this anyways because we don't have ND as a card type)

It allows the state to issue a LT in lieu of a ND card.

*One commercial learners permit rule.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. An applicant for a commercial learners permit that requires multiple skills tests may only be issued one commercial learners permit and must contain all class requirements and endorsements for the skills tests the applicant intends to take.*
- 2. The commercial learners permit will be valid to perform multiple skills tests as long as the commercial learners permit has not:*
  - a. Expired; or*
  - b. Upgraded to a commercial license*

Per bob Redmond a customer may only be issued one CLP for multiple skills tests. So if the customer is issued a CLP A with passenger endorsement they are issued one CLP and are allowed to use it for the A skills tests and the passenger skills tests.

*Commercial learners permit skill test banking prohibition.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*The CDL skills test must be administered and successfully completed in the following order: vehicle inspection, basic vehicle control skills, and on-road skills. If an applicant fails one segment of the skills test:*

- a. The applicant cannot continue to the next segment of the test; and*
- b. Scores for the passed segments of the skills test are only valid during initial issuance of the CLP. If the CLP is renewed, all three segments of the skills test must be retaken.*

This describes the order of testing and that skills tests scores are only valid for the issuance of the CLP. If the CLP is renewed all skills tests must be retaken including passed skills tests. This is per CFR 383.133

#### *Out of state skills test results.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*Per 49 CFR 383.79 (b) the Department shall accept the results of a CDL skills test administered to a Nevada resident by any other State, in fulfillment of the applicant's testing requirements under 49 CFR 383.71, and the State's test administration requirements under 49 CFR 383.73.*

Added so that a NV resident can be issued a NV CLP and attend a testing facility OOS and NV must accept the skills test scores.

#### *Use of interpreter for CDL tests.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. An applicant for a commercial learners permit is prohibited from using an interpreter for a CDL knowledge test pursuant to 49 CFR 383.133 (b)(3).*
- 2. Pursuant to 49 CFR 383.133 (c)(5) interpreters are prohibited during the administration of CDL skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.*

This was added to clarify that an interpreter is not allowed. FMCSA has begun issuing waivers for hearing impaired drivers and the Department may see them and be required to test so this was necessary to add to regulations for clarification when we test.

#### *Commercial skills tests; determining weight rating.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. An applicant must complete the skills tests in a representative vehicle to ensure that the applicant possess the skills required under 49 CFR 383.113.*
- 2. In determining whether the vehicle is a representative vehicle for the skills test and the group of CDL for which the applicant is applying, the vehicle's gross vehicle weight*

*rating or gross combination weight rating must be used, not the vehicle's actual gross vehicle weight or gross combination weight.*

This was added to match CFR to indicate we cannot use a vehicles loaded weight to administer CDL skills tests.

*Skills test examiner auditing and monitoring; State examiners. Is this needed?*

- 1. At least once every two years, conduct covert and overt monitoring of examinations performed by State CDL skills test examiners.*
- 2. Establish and maintain a database to track pass/fail rates of applicants tested by each State CDL skills test examiner, in order to focus covert and overt monitoring on examiners who have unusually high pass or failure rates;*
- 3. Establish and maintain a database of all State CDL skills examiners, which at a minimum tracks the dates and results of monitoring action by the State, and the name and identification number of each State CDL skills examiner; and*
- 4. Establish and maintain a database that tracks skills tests administered by each State CDL skills test examiner's name and identification number.*

*CDL refresher training; State examiners Is this needed?*

- 1. A state CDL knowledge test examiner must complete a refresher training course every four years to maintain their CDL test examiner certification.*
- 2. A state CDL skills test examiner must complete a refresher training course every four years to maintain their CDL skills test examiner certification.*
- 3. The refresher training course must consist of at least 40 hours of instruction.*
- 4. The refresher training course must cover at least the following:*
  - a. For CDL knowledge test examiners, the three units of training described in 49 CFR 384.228 (c).*
  - b. For CDL skills test examiners, the five units of training described in 49 CFR 384.228 (d).*
  - c. Any State specific material and information related to administering CDL knowledge and skills tests.*
  - d. Any new Federal CDL regulations, updates to administering the tests, and new safety related equipment on the vehicles.*

*Upgrading a CLP*

*An applicant issued a valid CLP and wishes to be issued a CLP with a new class or endorsement that requires a skills test must:*

- a. Pay the appropriate fees for the original CLP issuance pursuant to NRS 483.910;*
- b. Take the appropriate tests*
- c. Be issued a new CLP with the requested class and or endorsement*



**NAC 483.360 Restrictions not medically related. (NRS 481.051, 483.220, 483.360, 483.908)**

1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive.

2. Restriction and Description (and text placed on an affected license)

Restriction L - No air brakes.

(Restriction L - No Air Brakes *CMV Wgt Only*)

Criteria for Restriction

This restriction is placed on the *commercial* driver's license *or commercial learners permit* of a person who does not pass a knowledge test ~~and~~ *or* a driving skills test in a *commercial* motor vehicle *that* ~~which~~ is equipped with air brakes.

*Restriction JX - No air brakes - NCDL.  
(Restriction JX - No Air Brakes - NCDL)*

*This restriction is placed on the driver's license of a person who does not pass a knowledge test or a driving skills test in a non-commercial motor vehicle that is equipped with air brakes.*

*Restriction JY – Must carry valid NV NCDL/CDL.*

*(Restriction JY – Must carry valid NV NCDL/CDL)*

*A commercial learners permit is invalid unless accompanied by the underlying Nevada non-commercial license or commercial license.*

Clarified that restriction “L” is for commercial privileges.

New restrictions added.

“JX” created for use with non-commercial privileges.

“JY” created to comply with the CLP rule

**NAC 483.110 Drivers' licenses: Classifications; miscellaneous restrictions and endorsements. (NRS 481.051, 482A.100, 483.220, 483.235, 483.908)**

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.799 to 483.850, inclusive, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if the holder obtains an F endorsement on his or her driver's license.

*a. An applicant applying for an F endorsement who is exempt from the requirements of NRS 483.850 (2) must submit a department approved form signed by and approved by:*

*i. Firefighting Battalion Chief, designated chief officer; or*



- ii. Law enforcement Chief; or*
- iii. Law enforcement Sheriff; or*
- iv. Other entity not listed above (Approving official within the chain of command (including title))*

*14. A person operating a vehicle described in NAC 483.850 (2) must have a valid license with F endorsement and is exempt from carrying a non-commercial class A or B license.*

An impact study was submitted that would allow a firefighter to add an F endorsement and operate emergency vehicle without needed a class A or B. Fire departments are trained to operate emergency vehicles prior to testing for a class A or B. This would eliminate the NCDL third party program thus saving the department money and time and allow firefighters to add the F endorsement with approval. Third party firefighters would not have to spend personal time to attending training classes and audits.

*“Employer” defined. (NRS 483.908, 483.912)*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows: “Employer” means any business who owns or leases a commercial motor vehicle or assigns his or her employees to operate such a vehicle.*

*“Third-party Company” defined. (NRS 483.908, 483.912)*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. “Third-party Company” means a business registered with the Department pursuant to (Third-party Company & School: Eligibility; scope of authority) to certify the driving ability of an employee of any person who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.*
- 2. The term includes, without limitation, Company, as used throughout this section.*
- 3. The term includes, without limitation, a third-party tester, as those terms are used in 49 C.F.R. § 383.75.*

*“Third-party certifier” defined. (NRS 483.908, 483.912)*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. “Third-party certifier” means a person registered with the Department pursuant to NAC 483.1224 to certify the driving ability of a student enrolled in a school for training drivers licensed to operate in this State which provides instruction in the operation of vehicles for which a Class A, Class B or Class C driver’s license is required; or*
- 2. A person registered with the Department pursuant to NAC 483.1224 to certify the driving ability of an employee of any person who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.*
- 3. The term includes, without limitation, Certifier, as used throughout this section.*
- 4. The term includes, without limitation, a third-party examiner, skills test examiner, as those terms are used in 49 C.F.R. § 383.75.*

*“Trailer” defined*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

*“Trailer” has the same definition set forth in 49 CFR 390.5*

***“Truck” defined***

***Chapter 483 of NAC is hereby amended by adding a new section to read as follows:***

***“Truck” has the same definition set forth in 49 CFR 390.5***

***“Truck Tractor” defined***

***Chapter 483 of NAC is hereby amended by adding a new section to read as follows:***

***“Truck tractor” has the same definition set forth in 49 CFR 390.5.***

**NAC 483.121 Definitions.** (NRS 483.908, 483.912) As used in NAC 483.121 to 483.1236, inclusive, unless the context otherwise requires, the words and terms defined in NAC 483.1212 to 483.1218 & ***“Third Party Company” defined, “Third Party certifier” defined & “Employer” defined***, inclusive, have the meanings ascribed to them in those sections.  
(Added to NAC by Dep’t of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1212 “~~{Driving-s}~~Skills test” defined.** (NRS 483.908, 483.912) “~~{Driving-s}~~Skills test” means a ~~{driving}~~ skills test for a commercial driver’s license which includes, without limitation, a ***vehicle inspection*** ~~{pretrip}~~ test, basic ***control*** skills test and road test.  
(Added to NAC by Dep’t of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1214 “School for training drivers” defined.** (NRS 483.908, 483.912) “School for training drivers” means a school for the training of drivers which is licensed to operate in this State and provides instruction in the operation of vehicles for which a ***commercial*** Class A, Class B or Class C driver’s license is required.  
(Added to NAC by Dep’t of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1216 “Student” defined.** (NRS 483.908, 483.912) “Student” means a person who is enrolled at a school for training drivers.  
(Added to NAC by Dep’t of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1218 “Third-party ***School*** ~~{certifier}~~” defined.** (NRS 483.908, 483.912)

1. “Third-party ***school*** ~~{certifier}~~” means a ***school for training drivers*** ~~{person}~~ registered with the Department pursuant to ~~{NAC 483.1224}~~ ***(Third-party Company & School: Eligibility; scope of authority)*** to certify the driving ability of a student enrolled in a school for training drivers licensed to operate in this State which provides instruction in the operation of vehicles for which a ***commercial*** Class A, Class B or Class C driver’s license is required.
2. ***The term includes, without limitation, School or School for training drivers as used throughout this section.***
3. The term includes, without limitation, ~~{a third-party examiner and}~~ a third-party tester, as those terms are used in 49 C.F.R. § 383.75.  
(Added to NAC by Dep’t of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.122 Applicability of provisions.** (NRS 483.908, 483.912) The provisions of NAC 483.121 to 483.1236, inclusive, apply only with respect to:

1. Commercial drivers’ licenses and commercial vehicles:

- a. An instructor at a school for training drivers who is or wishes to be registered as a third-party certifier and to a school for training drivers which has such an instructor on its staff.
- b. An employee at a school for training drivers who is or wishes to be registered as a third party certifier and to a school for training drivers which has such an employee on its staff.*
- c. An employer and the authorized employees of an employer who are or wish to be registered as third-party certifiers.*

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1222** ~~{Affidavit of e}~~ **Certification of driving ability: Acceptance by Department in lieu of {driving} skills test.** (NRS 483.908, 483.912) The Department may, in lieu of the ~~{driving}~~ skills test conducted by the Department, accept a ~~{n-affidavit of}~~ certification of the driving ability of a person if the ~~{affidavit of}~~ certification is:

1. *Submitted electronically to the department through an approved system* ~~{Completed in its entirety}~~ by a third-party certifier who is:
  - a. Registered pursuant to NAC 483.1224;
  - b. Employed by the school for training drivers at which the person whose driving ability is being certified is a student; or
  - c. The employer of the person whose driving ability is being certified or is employed by the same employer as the person whose driving ability is being certified; and*
  - ~~d.~~ Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial vehicle. ~~{; and~~

~~2. On a form provided by the Department.~~

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

**NAC 483.1234** **Guarantee of issuance of license to student prohibited.** (NRS 483.908, 483.912) A third-party certifier ~~{and}~~ *or a third party* school ~~{for training drivers}~~ shall not make a guarantee in any form to a student that the student will be issued a commercial driver's license because the third-party certifier is administering any part of the ~~{driving}~~ skills test to a student.

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

#### **Commercial Drivers' Licenses: Certification at School for Training Drivers** *or at place of employment*

##### *Third-party Company & School: Eligibility; scope of authority*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. A school for training drivers for which a Class A, Class B or Class C commercial driver's license is required may apply to the Department for registration as a third-party school.*
- 2. A business for which a Class A, Class B or Class C commercial driver's license is required may apply to the Department for registration as a third-party company.*
- 3. At a minimum must own or lease operational commercial motor vehicles of the following combinations:*

- a. *Third party company or school certifying class A CLP holders*
  - i. *Three trucks or truck tractors*
  - ii. *Three trailers*
- b. *Third party company or school certifying class B or C CLP holders*
  - i. *Three class B or C vehicles*
- c. *Third party company or school certifying both class A & B or C CLP holders*
  - i. *Three trucks or truck tractors*
  - ii. *Three trailers*
  - iii. *One class B or C vehicle*
- 4. *Have adequate area to conduct vehicle inspection and backing control skills exercises.*
- 5. *Access to public roads to perform road test maneuvers.*
- 6. *Use designated road test routes that have been approved by the Department*
- 7. *Have access to the internet for submitting:*
  - a. *Skills test schedules;*
  - b. *Road test routes*
  - c. *Skills test scores*
- 8. *Submit skills testing appointments a time period set forth by the Department no later than 2 days prior to each test.*
- 9. *Pay the appropriate fee set forth in NRS 483.910 (2)*
- 10. *Have vehicles used for skills testing inspected annually*
- 11. *A person requesting to be a responsible party for a third party company or school must have a completed background check pursuant to Third Party Certifier: Background checks*

Added based on CLP research and requirements. During a meeting it was decided to distinguish vehicles so that a company & school must have power units no just 9 trailers.

*Third Party Company or School: Application; evaluations and inspections by Department; notification of denial of application; reapplication.*

- 1. *A business or school for training drivers that is applying for registration as a third-party company or school pursuant to (Third-party Company & School: Eligibility; scope of authority) must complete an application on a form provided by the Department which includes, without limitation:*
  - a. *Business or school name;*
  - b. *Addresses;*
  - c. *Name & title of person applying*
  - d. *If a school for training drivers, ownership information of the school*
  - e. *Submit a list of vehicle information that will be used to administer skills tests which includes, without limitation:*
    - (1) *Class*
    - (2) *Endorsements*
    - (3) *Air brakes*
    - (4) *Transmission types*
    - (5) *Trailer connection type*
    - (6) *List of vehicles including vehicle identification numbers*
    - (7) *Location where skills tests will be performed*

- f. Amount of employees or students expected to test annually*
  - g. A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.*
- 2. All the locations of the company or school for training drivers at which a third party certifier will be certifying the driving ability of employees or students enrolled at the school.*
- 3. In evaluating the eligibility of an applicant for registration as a third-party company or school, the Department may consider any additional information which the Department deems pertinent for eligibility.*
- 4. The evaluation of an application for registration as a third-party school will include an inspection of each branch location of the school for training drivers. The inspection will include, without limitation, a visual inspection of:*
  - a. The vehicles to be used for training;*
  - b. Copies of training programs;*
  - c. Skill tests areas;*
  - d. Tests of laws and regulations; and*
  - e. Qualifications of instructors.*
- 5. The evaluation of an application for registration as a third-party company will include an inspection of the site of the applicant's place of business. This inspection will include, without limitation, a visual inspection of subpart 4 (a) – (e).*
- 6. After the original issuance of the certificate in subsection 7, the Department may waive any part of the inspection otherwise required pursuant to subsection 4 - 5 if the business or school for training drivers currently has on its staff other employees or instructors who are registered as third-party certifiers.*
- 7. Once approved to perform skills tests a third party company or school will receive a certificate indicating the type and class of vehicle and endorsements they are permitted to certify.*
- 8. The Department will assign a unique number to each business or school for training drivers whom the Department registers as a third-party company or school. This number must not be transferred to or used by any other business or school for training drivers.*
- 9. If the Department denies an application for registration as a third-party company or school, the Department will notify the applicant by mail of its decision. Except as otherwise provided in (Third-party company or school: Revocation, suspension or refusal to renew registration: Authority of Department; reapplication after revocation; hearing), the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that were taken to correct the deficiency that caused the denial of the original application.*

Added based on CLP research and requirements

#### *Third-party Company or School: Records*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. A third-party company shall maintain a record for each employee who is certified by their third-party certifier. The record must be available for inspection by a representative of the Department during normal business hours.*

- a. *The record must include:*
    - (1) *A description of the training;*
    - (2) *Who performed the training;*
    - (3) *Tests given to the student.*
2. *A third party school shall keep a record for each student to whom a third-party certifier administers any part of the driving skills test. The record must be available for inspection by a representative of the Department during normal business hours. The record must include:*
  - a. *The full legal name and address of the student;*
  - b. *The record of the driving skills test administered to the student;*
  - c. *The number of the learners permit and driver's license issued to the student;*
  - d. *The full legal name and registration number of each third-party certifier who administered any part of the test to the student;*
  - e. *A description of the type of testing given to the student and the amount of time devoted to each type of test;*
  - f. *The date on which each type of test was given;*
  - g. *The total number of hours of instruction given to the student; and*
  - h. *Sufficient information that will demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the student did not also provide instruction to the student.*
3. *A third party company or school shall maintain an annual inspection record for each vehicle used to skills test employees or students.*

Added based on CLP research and requirements

*Third-party company or school: Revocation, suspension or refusal to renew registration: Authority of Department; reapplication after revocation; hearing.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

1. *The Department shall take prompt and appropriate remedial action against a third party company or school that fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third party contract.*
2. *The Department may suspend the registration of a third-party company or school that refuses to allow an authorized representative of the Department access, anytime during regular business hours, to inspect the records maintained by the third-party certifier relating to the students whose driving abilities were certified by the third-party certifier.*
3. *The Department may suspend the registration of a third-party company or school if the third-party certifier, school or company agent, officer or employee fails to cooperate fully with an authorized representative of the Department during an inspection of the third-party company, school or certifier.*
4. *The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party company or school if the Director finds that such a temporary suspension or refusal to renew is in the public interest. The Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party company or school.*



5. *The Department may suspend the registration of a third-party company or school that allows an unauthorized person to administer any part of the driving skills test to a student.*
6. *Any third-party company or school whose registration is revoked pursuant to this section may not reapply for registration until 2 years after the date of revocation.*
7. *A third-party company or school may, within 30 days after the temporary suspension or revocation of, or refusal to renew, his or her registration pursuant to this section, request a hearing on the question of whether the third-party company, school or certifier committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.*
8. *The Department with good cause may suspend or revoke the registration of a third party company or school for any other reason if such disqualification is in the best interest of the public and approved by the Director or designee.*

Added based on CLP research and requirements

#### *Third Party Company or School: Bonding*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

1. *Maintain a bond to pay for retesting drivers in the event that the third party company or school or one or more of its certifiers is involved in fraudulent activities related to conducting skills testing of applicants for a CDL based on the following tier amounts:*
  - a. *\$35,000 bond if skills testing 0-100 applicants*
  - b. *\$70,000 bond if skills testing 101-200 applicants*
  - c. *\$100,000 bond if skills testing 201-300 applicants*
  - d. *\$175,000 bond if skills testing 301 or more applicants*
2. *The third party company or school will be held liable for any fraudulent activities related to conducting skills testing of applicants for a CDL that is not covered by their bond or goes above their bond amount.*
3. *A company or school that is a government entity is not required to maintain a bond.*

Added based on CLP research and requirements

#### *Third-party Company & School: Agreement*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

1. *A third party company or school will sign an agreement with the Department that includes without limitation the following:*
  - a. *Allow FMCSA, or its representative, and the State to conduct random examinations, inspections, and audits of its records, facilities, and operations without prior notice;*
  - b. *Require that all third party skills test certifiers meet the qualification and training standards of 49 CFR 384.228;*



- c. *Allow the State to do any of the following:*
  - (1) *Have State employees covertly take the tests administered by the third party certifier as if the State employee were a test applicant;*
  - (2) *Have State employees co-score along with the third party certifier during CDL skills tests to compare pass/fail results; or*
  - (3) *Have the State re-test a sample of drivers who were examined by the third party certifier;*
- d. *Reserve unto the State the right to take prompt and appropriate remedial action against a third party company, school or certifier that fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third party contract;*
- e. *Require the third party company or school to initiate and maintain a bond pursuant to (Third Party Company or School: Bonding) for re-testing drivers in the event that the third party company, school, or one or more of its certifiers is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. Exception: A third party company or school that is a government entity is not required to maintain a bond.*
- f. *Require the third party company or school to use only CDL skills certifiers who have successfully completed a formal CDL skills test examiner training course as prescribed by the State and have been certified by the State as a CDL skills certifier qualified to administer CDL skills tests;*
- g. *Require the third party company, school or certifier to use designated road test routes that have been approved by the State;*
- h. *Require the third party company, school or certifier to submit a schedule of CDL skills testing appointments to the State a time period set forth by the Department no later than 2 days prior to each test;*
- i. *Require the third party company or school to maintain copies of the following records at its principal place of business or one central location:*
  - (1) *A copy of the State certificate authorizing the third party tester to administer a CDL skills testing program for the classes and types of commercial motor vehicles listed;*
  - (2) *A copy of each third party certifiers State certificate authorizing the third party certifier to administer CDL skills tests for the classes and types of commercial motor vehicles listed;*
  - (3) *A copy of the current third party agreement;*
  - (4) *A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years;*
  - (5) *A copy of the third party company or schools State-approved road test route(s); and*
  - (6) *A copy of each third party certifiers training record.*

- j. *A third party company or school must ensure that all vehicles and equipment used to perform a skills test is maintained and safe to operate. Any incidents that are a result of unsafe equipment will be the responsibility of the third party company or school*

*Third Party Company & School: 10 skills test requirements.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. The Department will revoke the certification of a third party company or school that maintains only one certifier, and that certifier does not meet the 10 test requirement pursuant to (Third party certifier: 10 skills test requirements.).*
- 2. The Third Party Company or school must wait a minimum of 1 year before reapplying as a third party company or school.*

Added based on CLP research and requirements

*Third Party Company & School: Vehicles used for skills testing drivers: Inspection: requirements.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. An annual inspection of vehicles used for skills testing drivers and operated on a highway must be performed by a registered garage or licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19 and be reported to the Department on an inspection form provided by the Department.*
- 2. If a third party company or school for training drivers purchases or leases a motor vehicle for the skills testing of drivers, they shall have the vehicle inspected by a registered garage or a licensed body shop not later than 30 days after the purchase or lease and before providing any training in the vehicle.*
- 3. Each vehicle which is a commercial motor vehicle and is used by a third party company or school for performing skills tests must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. Part 396.*
- 4. As used in this section, unless the context otherwise requires:*
  - a. "Licensed body shop" means a body shop licensed by the Department pursuant to NRS 487.630.*
  - b. "Registered garage" means a garage registered with the Department pursuant to NRS 487.560.*

Added based on meetings with Field. Currently a third party school must have their vehicles inspected annually. Adding this will force companies to do the same making it consistent.

**NAC 483.1228 Required notifications; insufficient number of vehicles; inspections of vehicles; renewal of registration of third-party *school or company*** ~~{certifier; recertification course}~~. (NRS 483.908, 483.912)

- 1. If, at any time, the number of vehicles owned or leased by a **third party school or company** ~~{school for training drivers which has on its staff a third party certifier}~~ falls below the minimum **vehicle** requirement *pursuant to subsection 3 of (Third-party Company & School: Eligibility; scope of authority)* ~~{of 10 vehicles}~~, *the third party school or company* ~~{operator of the school for training drivers}~~ shall forthwith notify the*

Department. The Department may suspend, revoke or refuse to renew the registration of each third-party certifier *at the third party school or company* ~~{employed at the school for training drivers}~~ during the time that the *third party school or company* ~~{school for training drivers}~~ does not have the required minimum number of vehicles.

2. If the *third party school or company* ~~{school for training drivers}~~ purchases or leases a vehicle that will be used by a third-party certifier in administering a ~~{driving}~~ skills test, the ~~{operator of the school for training drivers}~~ *third party school or company* shall notify the Department within 10 days after the date on which the vehicle is purchased or leased. An authorized representative of the Department:
  - a. Shall inspect the vehicle within 30 days after being notified ~~{by the school}~~; and
  - b. May inspect the vehicle during any inspection conducted by the Department pursuant to ~~{NAC 483.1226 or}~~ 483.123 *or (Third Party Certifier: Monitoring, inspections and reports by Department; correction of deficiencies; actions regarding licensing.)*.
- ~~{3. If a third-party certifier does not maintain a valid driver's license of the class for which the third-party certifier is authorized to certify, he or she shall immediately notify the Department.}~~
4. A third-party *company or school* ~~{certifier}~~ shall notify the Department within 10 days after a change in *any* address *or basic control skills test location*.
- ~~{5. A third-party certifier who complies with the requirements of subsection 6 may renew his or her annual registration on a form furnished by the Department. If the third-party certifier fails to renew the registration within 30 days after the date of expiration, his or her registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in NAC 483.1226.~~
- ~~6. A third-party certifier must annually complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.}~~
7. *A third-party school or company may renew their annual registration on a form furnished by the Department. If the third-party school or company fails to renew the registration within 30 days after the date of expiration, their registration as a third-party school or company expires and he or she must reapply for registration as a third-party school or company in the manner set forth in (Third Party Company or School: Application; evaluations and inspections by Department; notification of denial of application; reapplication.)*.
8. *Pay the appropriate fee set forth in NRS 483.910 (2) to renew their annual registration* (Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

Modified based on CLP research and requirements

**NAC 483.123 Monitoring, inspections and reports by Department; correction of deficiencies; actions regarding licensing of third-party** *school or company* ~~{certifier or operator of school}~~. (NRS 483.908, 483.912)

1. The Department ~~{may}~~ *shall at least once every two years* ~~{, annually or as often as it determines necessary,}~~ monitor the performance of a third-party *school or company that* ~~{certifier who}~~ is registered pursuant to ~~NAC 483.1224~~ *(Third-party Company & School: Eligibility; scope of authority) by conducting one announced and one unannounced on-site inspection*, including, without limitation: ~~{, the instruction given, teaching skills demonstrated and testing performed by the third-party certifier.}~~

- a. *Instruction given;*
  - b. *Teaching skills demonstrated;*
  - c. *Irregular test results such as unusually high or low pass/fail rates;*
  - d. *Testing performed by the third-party certifier; and*
  - e. *Comparison of the CDL skills test results of applicants who are issued CDLs with the CDL scoring sheets maintained in the third party company or school files.*
  - f. *Vehicle inspection records*
- ~~{An examiner from the Department may conduct random reexaminations of any student to whom a third-party certifier has given a driving skills test.}~~
2. *An examiner from the Department may conduct random reexaminations of any student or employee to whom a third-party certifier has administered a skills test.*
  3. The Department ~~{may}~~ *shall at least once every two years, {annually or as often as it determines necessary,}* conduct an inspection of each vehicle *registered with the department pursuant to (Third Party Company or School: Application; evaluations and inspections by Department; notification of denial of application; reapplication.) {used by a third-party certifier in administering a driving skills test.}* *Vehicles must be accessible by the Department, operational and located at the principal place of business or one central location.*
  4. Within 30 days after an inspection, the Department will provide a written report to the third-party *school or company* ~~{certifier and the school for training drivers}~~ which:
    - a. Indicates compliance; or
    - b. Describes each deficiency and notifies the third-party *school or company* ~~{certifier and the school for training drivers}~~ that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to NAC 483.1236, suspend or revoke the registration issued to the third-party *school or company* ~~{certifier}~~ or take appropriate action against the *third-party school or company* ~~{school for training drivers}~~ pursuant to NAC 483.708 to 483.795, inclusive, or both.
  5. If, pursuant to NAC 483.708 to 483.795, inclusive:
    - a. Any action is taken against the instructor's license issued to the third-party certifier, the Department may revoke, suspend or refuse to renew, as appropriate, *the third party schools* ~~{his or her}~~ registration as a third-party *school* ~~{certifier}~~.
    - b. The license issued to the operator of the school for training drivers is:
      - (1) Suspended, or if the Department refuses to renew the license issued to the school for training drivers, the Department will, except as otherwise provided in this paragraph, suspend the registration of *the third party school and* each third-party certifier employed ~~{as an instructor}~~ by the school until the license of the school has been restored. If the license issued to the operator of the school is not restored, the Department will revoke the registration of *the third party school and* each ~~{such}~~ third-party certifier. This paragraph does not prevent the Department from taking separate disciplinary action against a third-party certifier if the circumstances that resulted in the suspension of, or the refusal to renew,

the license of the school for training drivers involved an act or omission by the third-party certifier.

- (2) Revoked, the Department will revoke the registration of *the third party school and* each third-party certifier employed ~~[as an instructor]~~ by the school.

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

Modified based on CLP research and requirements

### *Commercial Drivers' Licenses: Third party certifiers*

*Third party certifier: 10 skills test requirements.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. A third party certifier must conduct skills tests for 10 different applicants per calendar year.*
- 2. The Department shall revoke the skills testing certification of any third party certifier who does not conduct skills test examinations of at least 10 different applicants per calendar year. Exception: At the Departments discretion a third party certifier that does not perform 10 skills tests is permitted to take a skills test refresher training class, in lieu of meeting the 10 test requirement.*
- 3. A third party certifier granted an exception noted in subsection 2, must complete a recertification course provided by the Department. The recertification course must consist of at least 40 hours of instruction.*
- 4. A third party certifier granted an exception noted in subsection 2, who attends a recertification course provided by the Department may only do this one time.*
- 5. A third party certifier that was granted an exception noted in subsection 2, that does not meet the requirement set forth in subsection 1 for a second time, will be decertified.*
- 6. A third party certifier granted an exception noted in subsection 2, who attends a recertification course will receive a new certificate pursuant to NAC 483.1224 that is valid for 4 years.*

Added based on CLP research and requirements

*Third Party Certifier: Required notifications; renewal of registration; recertification course.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

- 1. If a third party certifier does not maintain a valid commercial driver's license of the type and class for which the third party certifier is authorized to certify, he or she shall immediately notify the Department.*
- 2. A third party certifier shall renew their registration every 4 years on a form furnished by the Department. If the third party certifier fails to renew the registration within 90 days after the date of expiration, their registration as a third party certifier expires and he or she must reapply for registration as a third party certifier in the manner set forth in NAC 483.1226.*
- 3. A third party certifier must complete a refresher training course provided by the Department every 4 years. The refresher training course must consist of at least 40 hours of instruction.*

4. *The recertification training course must cover at least the following:*
  - a. *The five units of training described in 49 CFR 384.228 (d).*
  - b. *Any State specific material and information related to administering CDL knowledge and skills tests.*
  - c. *Any new Federal CDL regulations, updates to administering the tests, and new safety related equipment on the vehicles.*

Added based on CLP research and requirements

*Third Party Certifier: Monitoring, inspections and reports by Department; correction of deficiencies; actions regarding licensing.*

*Chapter 483 of NAC is hereby amended by adding a new section to read as follows:*

1. *The Department shall at least once every two years, covertly and overtly monitor the performance of a third party certifier who is registered pursuant to NAC 483.1224, including, without limitation:*
  - a. *Have State employees covertly take the tests administered by the third party as if the State employee were a test applicant;*
  - b. *Have State employees co-score along with the third party examiner during CDL skills tests to compare pass/fail results; or*
  - c. *Re-test a sample of drivers who were examined by the third party certifier to compare pass/fail results;*
2. *Third party certifiers that are also skills instructors will be covertly and overtly monitored yearly.*
3. *An examiner from the Department may conduct random reexaminations of any student or employee to whom a third-party certifier has administered a skills test.*
4. *Within 30 days after an inspection, the Department will provide a written report to the third party certifier, school or company which:*
  - a. *Indicates compliance; or*
  - b. *Describes each deficiency and notifies the third party certifier and the school or company that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, suspend or revoke the registration issued to the third party certifier or take appropriate action against the school or company.*
5. *The Department reserves the right to cancel the commercial driving privileges of a person skills tested by a third party certifier if it is found that the skills test was not properly administered.*

Added based on CLP research and requirements

Number 5 was added to allow the department to cancel the drivers license if the certifier tested improperly

*Third Party Certifier: Background checks*

1. *An applicant applying to be a third party certifier must consent to fingerprinting and pass a nationwide criminal background check of the following:*
  - a. *Any felony conviction within the last 10 years; or*



- b. *Any conviction involving fraudulent activities.*
2. *If a third party certifier is expired or decertified for more than 90 days a new background check must be completed.*
3. *A third party certifier may not utilize prior background check results if the third party certifier is no longer employed by the company or school and wishes to become a third party certifier for another third party company or school.*
4. *A third party certifier may continue to use the same background check results if transferring from one department or division to another within the same company.*
5. *A person requesting to be a responsible party for a third party company or school must have a completed background.*

Added based on CLP research and requirements

***Third Party Certifier: Multiple companies***

1. *A third party certifier may be employed by a maximum of two different third party companies or schools.*
2. *A new background check is not required to be completed for the second company or school as long as the third party certifier's status remains valid and they remain a third party certifier for another third party company or school.*

Added based on CLP research and requirements

**NAC 483.1224 Third-party certifier: Eligibility; scope of authority~~[- assignment of number by Department].~~** (NRS 483.908, 483.912)

1. An instructor *or authorized employee* at a school for training drivers ~~{which owns or leases 10 or more vehicles for which a Class A, Class B or Class C driver's license is required}~~ may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection ~~{2}~~ 4, an instructor *or authorized employee* who is registered as a third-party certifier may certify the driving ability of any student enrolled at the school for training drivers who wishes to obtain a *commercial* Class A, Class B or Class C driver's license and ~~{may}~~ *must electronically submit* ~~{sign an affidavit of}~~ certification to that effect. The instructor *or authorized employee* may not *electronically submit certification* ~~{sign such an affidavit}~~ with respect to the instructor's *or employees* own driving ability.
2. *Any person doing business in this State, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 5, a third party certifier who is registered pursuant to this section may certify the driving ability of an employee who wishes to obtain a commercial Class A, Class B or Class C driver's license and must electronically submit certification to that effect. The third party certifier may not electronically submit certification with respect to the third party certifier's own driving ability.*
3. *An applicant to be a third party certifier must have 2 years of experience operating a CMV for the type, class and endorsements they will certify.*
4. A ~~{in instructor who is registered as a}~~ third-party certifier *registered with a third party school* shall not:



- a. Certify the driving ability of a student unless they ~~instructor has~~ *have* at *their* ~~his or her~~ disposal at least one vehicle requiring the same *type and* class of driver's license as the *type and* class of driver's license for which the student's driving ability is being certified; or
  - b. ~~Sign an affidavit of~~ *Attest to the* certification for the operation of a vehicle for which a particular class of driver's license is required unless the *third party certifier* ~~instructor~~ has at *their* ~~his or her~~ disposal at least one vehicle requiring the same *type and* class of driver's license as that required for the vehicle the operation of which is to be certified ~~by affidavit~~.
  - c. *Certify the driving ability of any employee of the school.*
5. *A third-party certifier registered with a third party company shall not:*
  - a. *Certify the driving ability of an employee unless they have at their disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the student's driving ability is being certified; or*
  - b. *Attest to the certification for the operation of a vehicle for which a particular type and class of driver's license is required unless the third party certifier has at their disposal at least one vehicle requiring the same type and class of driver's license as that required for the vehicle the operation of which is to be certified.*
6. A ~~in instructor who is registered as a~~ third-party certifier must:
  - a. Successfully complete a 40-hour course provided by the Department for administering ~~a driving~~ skills tests;
  - b. Hold a valid *commercial* driver's license of the *same type and* class ~~and type~~ for which the *third party certifier* ~~instructor~~ is certifying the driving ability, ~~of a student~~ and signing an affidavit of certification; and
  - c. Administer the ~~driving~~ skills test in a ~~class of~~ vehicle ~~requiring~~ *representing* the same *type and* class ~~and type~~ of driver's license as the *type and* class ~~and type~~ of driver's license for which the student's driving ability is being certified.
7. *A third party certifier who is also a skills instructor either as a part of a school, training program or otherwise is prohibited from administering a skills test to an individual who received skills training by that third party certifier.*
8. ~~The Department will assign a number to each instructor whom the Department registers as a third party certifier. This number must be used when completing an affidavit of certification. The number assigned by the Department to a third party certifier pursuant to this subsection is personal to the instructor to whom it has been assigned and must not be transferred to or used by any other person.~~
9. *A third-party certifier will receive a certificate that is valid for 4 years upon successful completion of skills test training indicating the type and class of vehicle and endorsements they are permitted to certify.*
10. A ~~in~~ *person* ~~instructor~~ who is registered as a third-party certifier *for a third party school* may certify the driving ability of only those students who are enrolled at the branch locations of the school for training drivers for which the instructor is registered as a third-party certifier.

*11. A person who is registered as a third party certifier for a third party company may certify the driving ability of only those employees within the same department they are registered as a third-party certifier.*

*12. A third party certifier must ensure that vehicles used to perform skills tests are maintained and safe to use prior to testing. Any incidents that are a result of unsafe equipment will be the responsibility of the third party certifier.*

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

Section 1 originally only allowed an instructor to be a certifier. To be an employee of the school and certify they would be required to be a third party company. Added employee to correct this issue.

Section 2 says the same things as section 1 but pertains to third party companies instead of schools.

Section 5 says the same things as section 4 but pertains to third party companies instead of schools.

Section 7 prohibits a certifier from certifying someone who they trained to keep in line with the CLP rule 383.75

Section 9 will issue a certificate to the certifier to keep in line with the CLP rule 383.75

Section 10 was added because the third parties always question who they may certify. Example: So I work for the state, I can certify all state employees?

Section 12 was added so a certifier does not administer a test in a vehicle that may not be safe to operate.

**NAC 483.1226 *Third Party Certifier:* ~~{Registration of third party certifier;}~~ Application; evaluations and inspections by Department; notification of denial of application; reapplication.** (NRS 483.908, 483.912)

2. A *person* ~~{in instructor}~~ who is applying for registration as a third-party certifier *pursuant to NAC 483.1224* must complete an application on a form provided by the Department which includes, without limitation:

- ~~a. An authorization for an investigation of the background of the applicant;{~~
- ~~b. An authorization for an investigation of the credit of the applicant;~~
- ~~c. The personal history of the applicant;{~~
- d. The driving history of the applicant; and
- e. A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

3. *A completed background check pursuant to (Third Party Certifier: Background checks)*

4. *The skills test training given by the department is the same skills test training that would otherwise be given by the state using the same version of the skills tests.*

5. An applicant *applying to be a third party certifier for a company or school* must indicate on his or her application all ~~{the branch}~~ locations ~~{of the school for training drivers at which}~~ they ~~{applicant}~~ will be certifying the driving ability of *employees or* students enrolled at the school.

6. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.~~;~~

- ~~7. The evaluation of an application for registration as a third-party certifier will include an inspection of each branch location of the school for training drivers at which the applicant will be certifying the driving ability of students. The inspection will include, without limitation, a visual inspection of:~~
- ~~a. The vehicles to be used for training;~~
  - ~~b. Copies of training programs;~~
  - ~~c. Skill tests;~~
  - ~~d. Driving tests;~~
  - ~~e. Tests of laws and regulations; and~~
  - ~~f. Qualifications of instructors.~~
- ~~8. The Department may waive any part of the inspection otherwise required pursuant to subsection 4 if the school for training drivers currently has on its staff other instructors who are registered as third-party certifiers.]~~
9. *The Department will assign a unique number to each person whom the Department registers as a third-party certifier. This number must not be transferred to or used by any other person.*
10. If the Department denies an application for registration as a third-party certifier, the Department will notify the applicant by ~~{certified}~~ mail of its decision. Except as otherwise provided in NAC 483.1236, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that were taken to correct the deficiency that caused the denial of the original application.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)

Section 2 includes that a background check is required

Section 3 adds verbiage to conform to the CLP rule 383.75

Removed sections 6 and 7 because they pertain to the company- school not he certifier. Added it to the new *Third-party Company & School: Eligibility; scope of authority; assignment of number by Department.*

**NAC 483.1232 *Third Party Certifier: Instruction and certification of driving ability of students or employees***~~]; records of third-party certifier and school].~~ (NRS 483.908, 483.912)

1. A~~[n instructor who is registered as a]~~ third-party certifier:
  - a. Shall not instruct a student *or employee* in the driving or operation of a vehicle for which a Class A, Class B or Class C driver's license is required by allowing the vehicle to be driven on a public highway, unless the student *or employee* has obtained a *Nevada commercial learners* ~~[n instruction]~~ permit for the *type and* class of vehicle he or she is learning to drive; and
  - b. Shall ensure that the student *or employee* adheres to the requirements pertaining to the *Nevada commercial learners* ~~[instruction]~~ permit.
2. Before certifying the ability of a student *or employee* to drive a vehicle for which a Class A, Class B or Class C driver's license is required, the third-party certifier must determine that the student is able to operate safely and control fully that vehicle.
3. While administering any part of the ~~{driving}~~ skills test, a third-party certifier shall, at all times during the test, remain alert and be in a physical and mental state that renders him or her capable of taking physical control of the vehicle if necessary.

4. The third-party certifier shall state on a form approved by the Department the means by which he or she determined the qualifications of the *employee or* student to operate the vehicles for which a Class A, Class B or Class C driver's license is required.†
- ~~5. A third-party certifier shall maintain a record for each student who is certified by the third-party certifier. The record must include a description of the training and tests given to the student. The record must be available for inspection by a representative of the Department during normal business hours.~~
- ~~6. A school for training drivers shall keep a record for each student to whom an instructor who is a third-party certifier administers any part of the driving skills test. The record must include:
  - a. The full legal name and address of the student;
  - b. The record of the driving skills test administered to the student;
  - c. The number of the instruction permit or driver's license issued to the student;
  - d. The full legal name and registration number of each third-party certifier who administered any part of the test to the student;
  - e. A description of the type of testing given to the student and the amount of time devoted to each type of test;
  - f. The date on which each type of test was given;
  - g. The total number of hours of instruction given to the student; and
  - h. Sufficient information that will demonstrate to the satisfaction of the Department that the third-party certifier who administered a specific test to the student did not also provide instruction to the student relating to that test.†~~

(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004; A by R140-12, 12-20-2012, eff. 1-15-2013)

Removed the responsibility for the certifier to keep records, to the company-school. New regulation *Third-party Company or School: Records*

**NAC 483.1236 *Third Party Certifier:* Revocation, suspension or refusal to renew registration ~~{of third-party certifier}~~; Authority of Department; reapplication after revocation; hearing.** (NRS 483.908, 483.912)

1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.1224 if:
  - a. The third-party certifier has been convicted of:
    - (1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;
    - (2) A gross misdemeanor or felony relating to the management of money or a business;
    - (3) Fraud;
    - (4) Embezzlement; or
    - (5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both;
  - b. The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier;

- e. The school for training drivers fails to maintain an active license or ceases to maintain an established place of business in this State *pursuant to NAC 483.708 to 483.795, inclusive*;
  - ~~d. The third-party certifier allows an unauthorized person to administer any part of the driving skills test to a student;~~
  - e. Any action is taken against the instructor's license *pursuant to NAC 483.708 to 483.795, inclusive*, issued to the third-party certifier by the Department;
  - ~~f. The third-party certifier administers any part of the ~~driving~~ skills test to an individual ~~student~~ to whom the third-party certifier has provided *skills test* instruction ~~for that part of the test~~; or~~
  - ~~g. The third-party certifier refuses to allow an authorized representative of the Department access, during regular business hours, to inspect the records maintained by the third-party certifier relating to the students whose driving abilities were certified by the third-party certifier.~~
2. *The Department with good cause may suspend or revoke the registration of a third party certifier for any other reason if such disqualification is in the best interest of the public and approved by the Director or designee*
  3. The Department may suspend the registration of a third-party certifier if the third-party *company, school or third party* certifier or his or her agent, officer or employee fails to cooperate fully with an authorized representative of the Department during an inspection of the third-party *company, school or third party* certifier.
  4. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. The Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party certifier.
  5. Any third-party certifier whose registration is revoked pursuant to this section:
    - a. May not reapply for registration until 2 years after the date of revocation; and
    - b. Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.
  6. A third-party certifier may, within 30 days after the temporary suspension or revocation of, or refusal to renew, his or her registration pursuant to this section, request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004; A by R140-12, 12-20-2012, eff. 1-15-2013)

Section 1c & e verbiage to distinguish the third party school license

Section 1d & g added to new regulation: *Third-party company or school: Revocation, suspension or refusal to renew registration: Authority of Department; reapplication after revocation; hearing.*

### **{Commercial Drivers' Licenses: Certification at Place of Employment**

~~NAC 483.124—Definitions. (NRS 483.908, 483.912)—As used in NAC 483.124 to 483.183, inclusive, unless the context otherwise requires, the words and terms defined in NAC 483.1242, 483.1244 and 483.1246 have the meanings ascribed to them in those sections.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)~~

~~NAC 483.1242—"skills test" defined. (NRS 483.908, 483.912)—"skills test" means a driving skills test for a commercial driver's license which includes, without limitation, a pretrip test, basic control skills test and road test.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)~~

~~NAC 483.1244—"Employer" defined. (NRS 483.908, 483.912)—"Employer" means any person who owns or leases a commercial motor vehicle or assigns his or her employees to operate such a vehicle.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)~~

~~NAC 483.1246—"Third-party certifier" defined. (NRS 483.908, 483.912)—"Third-party certifier" means a person registered with the Department pursuant to NAC 483.140 to certify the driving ability of an employee of any person who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. The term includes, without limitation, a third-party examiner and a third-party tester, as those terms are used in 49 C.F.R. § 383.75.  
(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)~~

~~NAC 483.125—Applicability of provisions. (NRS 483.908, 483.912)—The provisions of NAC 483.124 to 483.183, inclusive, apply only with respect to:  
1.—Commercial drivers' licenses and commercial vehicles; and  
2.—An employer and the authorized employees of an employer who are or wish to be registered as third-party certifiers.  
(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by R001-98, 4-2-98; A by Dep't of Motor Veh. by R107-03, 2-18-2004)~~

~~NAC 483.130—Affidavit of certification of driving ability: Acceptance by Department in lieu of driving skills test. (NRS 483.908, 483.912)—The Department may, in lieu of the driving skills test conducted by the Department, accept an affidavit of certification of the driving ability of a person if the affidavit of certification is:  
1.—Completed in its entirety by a third-party certifier who is:  
(a) Registered pursuant to NAC 483.140;  
(b) The employer of the person whose driving ability is being certified or is employed by the same employer as the person whose driving ability is being certified; and  
(c) Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial vehicle; and  
2.—On a form provided by the Department.  
[Dep't of Motor Veh., Classification of Licenses Reg. § IV subsec. 1, eff. 4-29-82]—(NAC A 8-1-91; R001-98, 4-2-98; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

**NAC 483.140—Third-party certifier: Eligibility; scope of authority; assignment of number by Department. (NRS 483.908, 483.912)**



~~1. Any person doing business in this State who owns or leases 10 or more vehicles for which a Class A, Class B or Class C driver's license is required, or the authorized employee of such a person, may apply to the Department for registration as a third party certifier. Except as otherwise provided in subsection 2, a third party certifier registered pursuant to this section may certify the driving ability of an employee who desires to obtain a Class A, Class B or Class C driver's license and may sign an affidavit of certification to that effect. The third party certifier may not sign such an affidavit with respect to the third party certifier's own driving ability.~~

~~2. A person who is registered as a third party certifier shall not:~~

~~(a) Certify the driving ability of an employee unless the third party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the employee's driving ability is being certified; or~~

~~(b) Sign an affidavit of certification for the operation of a vehicle for which a particular class of driver's license is required unless the third party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.~~

~~3. A third party certifier must:~~

~~(a) Successfully complete a 40 hour course provided by the Department for administering a driving skills test;~~

~~(b) Hold a valid driver's license of the class and type for which he or she is certifying the driving ability of an employee and signing an affidavit of certification; and~~

~~(c) Administer the driving skills test in a class of vehicle requiring the same class and type of driver's license as the class and type of driver's license for which the employee's driving ability is being certified.~~

~~4. The Department will assign a number to each person whom the Department registers as a third party certifier. This number must be used when completing an affidavit of certification. The number assigned by the Department to a third party certifier pursuant to this subsection is personal to the person to whom it has been assigned and must not be transferred to or used by any other person.~~

~~[Dep't of Motor Veh., Classification of Licenses Reg. § IV subsec. 2, eff. 4-29-82] (NAC A 8-1-91; R001-98, 4-2-98; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

**~~NAC 483.150 Registration of third party certifier: Application; evaluations and inspections by Department; notification of denial of application; reapplication. (NRS 483.908, 483.912)~~**

~~1. A person who is applying for registration as a third party certifier pursuant to NAC 483.140 must complete an application on a form provided by the Department. This form may include, without limitation:~~

~~(a) An authorization for an investigation of the background of the applicant;~~

~~(b) An authorization for an investigation of the credit of the applicant;~~

~~(c) The personal history of the applicant;~~

~~(d) The driving history of the applicant; and~~

~~(e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.~~

~~2. In evaluating the eligibility of an applicant for registration as a third party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.~~



~~3. The evaluation of an application for registration as a third party certifier will include an inspection of the site of the applicant's place of business. This inspection will include, without limitation, a visual inspection of:~~

- ~~(a) The vehicles to be used for training;~~
- ~~(b) Copies of training programs;~~
- ~~(c) Skill tests;~~
- ~~(d) Driving tests;~~
- ~~(e) Tests of laws and regulations; and~~
- ~~(f) Qualifications of instructors.~~

~~4. If the Department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in NAC 483.183, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures the applicant has taken to correct the deficiency that caused the denial of the original application.~~

~~[Dep't of Motor Veh., Classification of Licenses Reg. § V subsecs. 7, 8 & 11, eff. 4-29-82]—  
(NAC A 8-1-91; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

**~~NAC 483.160—Required notifications; inspections of vehicles; renewal of registration of third party certifier; recertification course. (NRS 483.908, 483.912)~~**

~~1. If, at any time, the number of vehicles for which a Class A, Class B or Class C driver's license is required that are owned or leased by:~~

- ~~(a) The third party certifier, if the third party certifier is an employer; or~~
- ~~(b) The employer for whom the third party certifier serves as an authorized employee, if the third party certifier is an employee;~~

~~□ falls below the minimum requirement of 10 vehicles, the third party certifier shall immediately notify the Department.~~

~~2. If the third party certifier or his or her employer purchases or leases a vehicle that will be used by the third party certifier in administering a driving skills test, the third party certifier shall notify the Department within 10 days after the date on which the vehicle is purchased or leased.~~

~~An authorized representative of the Department:~~

- ~~(a) Shall inspect the vehicle within 30 days after being notified by the third party certifier; and~~
- ~~(b) May inspect the vehicle during any inspection conducted pursuant to NAC 483.170.~~

~~3. If a third party certifier does not maintain a valid driver's license of the class for which he or she is authorized to certify, he or she shall immediately notify the Department.~~

~~4. A third party certifier shall notify the Department within 10 days after a change in address.~~

~~5. A third party certifier who is registered pursuant to NAC 483.140 and who complies with the requirements of subsection 6 may renew his or her annual registration on a form furnished by the Department. If the third party certifier fails to renew the registration within 30 days after the date of expiration, the registration as a third party certifier expires and he or she must reapply for registration as a third party certifier in the manner set forth in NAC 483.150.~~

~~6. A third party certifier must annually complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.~~

~~[Dep't of Motor Veh., Classification of Licenses Reg. § V subsecs. 5, 6, 10 & 14, eff. 4-29-82]—  
(NAC A 8-1-91; R001-98, 4-2-98; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

**~~NAC 483.170—Monitoring, inspections and reports by Department; correction of deficiencies. (NRS 483.908, 483.912)~~**

~~1. The Department may, annually or as often as it determines necessary, monitor the performance of a third party certifier who is registered pursuant to NAC 483.140, including, without limitation, the instruction given, teaching skills demonstrated and testing performed by the third party certifier. An examiner from the Department may conduct random reexaminations of any employee to whom a third party certifier has given a driving skills test.~~

~~2. The Department may, annually or as often as it determines necessary, conduct an inspection of each vehicle used by a third party certifier in administering a driving skills test.~~

~~3. Within 30 days after an inspection, the Department will provide a written report to the third party certifier which:~~

~~(a) Indicates compliance; or~~

~~(b) Describes each deficiency and notifies the third party certifier that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to NAC 483.183, suspend or revoke the registration issued to the third party certifier.~~

~~[Dep't of Motor Veh., Classification of License Reg. § V subsecs. 9, 12 & 13, eff. 4-29-82]— (NAC A 8-1-91; R001-98, 4-2-98; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

~~**NAC 483.180—Third party certifier: Instruction and certification of driving ability of employee; records. (NRS 483.908, 483.912)**~~

~~1. A third party certifier who is registered pursuant to NAC 483.140:~~

~~(a) Shall not instruct an employee in the driving or operation of a vehicle for which a Class A, Class B or Class C driver's license is required by allowing the vehicle to be driven on a public highway, unless the employee has obtained an instruction permit for the class of vehicle he or she is learning to drive; and~~

~~(b) Shall ensure that the third party certifier's pupil adheres to the requirements pertaining to the instruction permit.~~

~~2. Before certifying the ability of an employee to drive a vehicle for which a Class A, Class B or Class C driver's license is required, the third party certifier must determine that the employee is able to operate safely and control fully that vehicle.~~

~~3. While administering any part of the driving skills test, a third party certifier shall, at all times during the test, remain alert and be in a physical and mental state that renders him or her capable of taking physical control of the vehicle if necessary.~~

~~4. The third party certifier shall state on a form approved by the Department the means by which the third party certifier determined the qualifications of the employee to operate the vehicles for which a Class A, Class B or Class C driver's license is required.~~

~~5. A third party certifier shall maintain a record for each employee who applies for certification and who is subsequently certified by him or her. The record must include a description of the training and tests given to each employee. The record must be available for inspection by a representative of the Department during normal business hours.~~

~~[Dep't of Motor Veh., Classification of Licenses Reg. § V subsecs. 1-4, eff. 4-29-82]— (NAC A 8-1-91; R001-98, 4-2-98; R159-01, 5-28-2002; R107-03, 2-18-2004)~~

~~**NAC 483.183—Revocation, suspension or refusal to renew registration of third party certifier: Authority of Department; reapplication after revocation; hearing. (NRS 483.908, 483.912)**~~

~~1. The Department may revoke the registration of a third party certifier who is registered pursuant to NAC 483.140 if:~~

~~(a) The third party certifier has been convicted of:~~  
~~(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;~~  
~~(2) A gross misdemeanor or felony relating to the management of money or a business;~~  
~~(3) Fraud;~~  
~~(4) Embezzlement; or~~  
~~(5) Possessing more than one valid driver's license issued to the third party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both; or~~  
~~(b) The Department determines that the third party certifier falsified an application or any other information to obtain or maintain registration as a third party certifier.~~  
~~2. The Department may suspend the registration of a third party certifier if the third party certifier or his or her agent, officer or employee fails to cooperate fully with an authorized representative of the Department during an inspection of the third party certifier.~~  
~~3. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. The Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third party certifier.~~  
~~4. Any third party certifier whose registration is revoked pursuant to this section:~~  
~~(a) May not reapply for registration until 2 years after the date of revocation; and~~  
~~(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third party certifier.~~  
~~5. A third party certifier may, within 30 days after the temporary suspension or revocation of, or refusal to renew, his or her registration pursuant to this section, request a hearing on the question of whether the third party certifier committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.~~  
~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-1-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002; R107-03, 2-18-2004; R140-12, 12-20-2012, eff. 1-15-2013)~~

The third party company and third party school regulations were combined and the third party certifier (person) removed from those regulations and assigned its own set of regulations.

### **Noncommercial Drivers' Licenses**

~~**NAC 483.185 — "Third party certifier" defined. (NRS 481.051, 483.220)** — As used in NAC 483.185 to 483.197, inclusive, unless the context otherwise requires, "third party certifier" means a person registered with the Department pursuant to NAC 483.190 to certify the driving ability of a person.~~  
~~(Added to NAC by Dep't of Motor Veh. by R107-03, eff. 2-18-2004)~~

~~**NAC 483.186 — Applicability of provisions. (NRS 481.051, 483.220)** — The provisions of NAC 483.185 to 483.197, inclusive, apply only with respect to noncommercial drivers' licenses.~~

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002; R107-03, 2-18-2004)

~~NAC 483.188 Affidavit of driving ability: Acceptance by Department in lieu of demonstration of driving skills. (NRS 481.051, 483.220)~~ If a vehicle which is needed for actual demonstration of the driving skills required for a Class A or Class B driver's license is not readily available, the Department may accept an affidavit of driving ability in lieu of a demonstration of driving skills. Such an affidavit must be:

- ~~1. Completed by a third-party certifier who is registered pursuant to NAC 483.190; and~~
- ~~2. On a form provided by the Department.~~

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002)

~~NAC 483.190 Third-party certifier: Eligibility; scope of authority; assignment of number by Department. (NRS 481.051, 483.220)~~

~~1. Any person in this State who owns or leases two or more vehicles for which a Class A or Class B driver's license is required, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 2, a third-party certifier may certify the driving ability of a person desiring to obtain a Class A or Class B driver's license and may sign an affidavit to that effect.~~

~~2. A person who is registered as a third-party certifier shall not:~~

~~(a) Certify the driving ability of a person unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the person's driving ability is being certified; or~~

~~(b) Sign an affidavit of certification for the operation of a vehicle for which a particular class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.~~

~~3. A third-party certifier must:~~

~~(a) Successfully complete a course provided by the Department for administering a driving skills test for a noncommercial driver's license;~~

~~(b) Hold a valid license of the class and type for which the third-party certifier is certifying the driving ability of a person and signing an affidavit of certification, but may not sign for himself or herself; and~~

~~(c) Administer the driving skills test in a class of vehicle requiring the same class and type of license as the class and type of license for which the person's driving ability is being certified.~~

~~4. The Department may assign a number to each person the Department registers as a third-party certifier. This number must be used when completing an affidavit of certification.~~

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002)

~~NAC 483.191 Registration of third-party certifier: Application; evaluations and inspections by Department; notification of denial of application; reapplication. (NRS 481.051, 483.220)~~

~~1. A person who is applying for registration as a third-party certifier pursuant to NAC 483.190 must complete an application on a form provided by the Department. This form may include, without limitation:~~

- ~~(a) An authorization for an investigation of the background of the applicant;~~
  - ~~(b) An authorization for an investigation of the credit of the applicant;~~
  - ~~(c) The personal history of the applicant;~~
  - ~~(d) The driving history of the applicant; and~~
  - ~~(e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.~~
  - ~~2. In evaluating the eligibility of an applicant for registration as a third party certifier, the Department may consider the class of his or her driver's license, his or her driving history and any additional information which the Department deems pertinent to the applicant's eligibility.~~
  - ~~3. The evaluation of an application for registration as a third party certifier may include an inspection of the site of the applicant's place of business. This inspection may include, without limitation, a visual inspection of:~~
    - ~~(a) The vehicles used for training;~~
    - ~~(b) Copies of training programs;~~
    - ~~(c) Skill tests;~~
    - ~~(d) Driving tests;~~
    - ~~(e) Tests of laws and regulations; and~~
    - ~~(f) Qualifications of instructors.~~
  - ~~4. If the Department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in NAC 483.197, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he or she has taken to correct the deficiency that caused the denial of the original application.~~
- ~~(Added to NAC by Dep't of Motor Veh. by R159-01, eff. 5-28-2002)~~

**~~NAC 483.192 Required notifications; renewal of registration of third party certifier; recertification course. (NRS 481.051, 483.220)~~**

- ~~1. If at any time the number of vehicles owned or leased by a third party certifier, if the third party certifier is an employer, or owned or leased by the person for whom the third party certifier serves as an authorized employee, if the third party certifier is an employee, falls below the minimum requirement of two vehicles, the third party certifier shall immediately notify the Department.~~
  - ~~2. If a third party certifier does not maintain a valid driver's license of the class for which the third party certifier is authorized to certify, he or she shall immediately notify the Department.~~
  - ~~3. A third party certifier must notify the Department within 10 days after a change in address.~~
  - ~~4. A third party certifier who is registered pursuant to NAC 483.190 and who complies with the requirements of subsection 5 may, every fourth year, upon notification from the Department, renew his or her registration on a form furnished by the Department. If the third party certifier fails to renew the registration within 30 days after notification, the registration as a third party certifier expires and he or she must reapply for registration as a third party certifier in the manner set forth in NAC 483.191.~~
  - ~~5. A third party certifier shall, every fourth year, successfully complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.~~
- ~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002)~~

**~~NAC 483.194 Monitoring by Department; correction of deficiencies. (NRS 481.051, 483.220)~~**

~~1. The Department may, on an annual basis or as often as it deems necessary, monitor the:~~

- ~~(a) Instruction given;~~
- ~~(b) Teaching skills demonstrated; and~~
- ~~(c) Testing performed;~~

~~□ by a third-party certifier who is registered pursuant to NAC 483.190.~~

~~2. If the Department determines after an inspection that a third-party certifier no longer meets the requirements for registration as a third-party certifier, it will notify the third-party certifier of the deficiencies. If the deficiencies are minor, the third-party certifier may be allowed 60 days to correct them. If the deficiencies are not corrected within that time, the Department may revoke the registration of the third-party certifier.~~

~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002)~~

**~~NAC 483.196 Third-party certifier: Instruction and certification of driving ability of person; records. (NRS 481.051, 483.220)~~**

~~1. A third-party certifier who is registered pursuant to NAC 483.190 may not instruct a person in the driving or operation of a Class A or Class B motor vehicle by allowing the vehicle to be driven on a public highway unless the person has obtained an instruction permit for the class of vehicle the person is learning to drive. The third-party certifier must ensure that his or her student adheres to the requirements pertaining to the instruction permit.~~

~~2. Before certifying the ability of a person to drive a vehicle for which a Class A or Class B driver's license is required, the third-party certifier must determine that the person is able to operate safely and control fully the vehicle for which a Class A or Class B driver's license is required, in a responsible manner ensuring the safety of the driving public.~~

~~3. The third-party certifier shall state on a form approved by the Department the means by which the third-party certifier determined the person's qualifications to operate the vehicles for which a Class A or Class B driver's license is required.~~

~~4. A third-party certifier shall maintain records of all persons applying for certification and subsequently certified by him or her. The record must include a description of the training and tests given to each person. These records must be available for inspection by a representative of the Department during normal business hours.~~

~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-91; A by Dep't of Motor Veh. by R159-01, 5-28-2002)~~

**~~NAC 483.197 Revocation of registration of third-party certifier: Authority of Department; reapplication after revocation; hearing. (NRS 481.051, 483.220)~~**

~~1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.190 if:~~

~~(a) The third-party certifier has been convicted of:~~

- ~~(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;~~
- ~~(2) A gross misdemeanor or felony relating to the management of money or a business;~~
- ~~(3) Fraud;~~
- ~~(4) Embezzlement; or~~

~~(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both; or~~  
~~(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier.~~  
2. ~~Any third-party certifier whose registration is revoked pursuant to this section:~~  
~~(a) May not reapply for registration until 2 years after the date of revocation; and~~  
~~(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.~~  
3. ~~Within 30 days after revocation of his or her registration pursuant to this section, a third-party certifier may request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for such revocation. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.~~  
~~(Added to NAC by Dep't of Motor Veh. by R159-01, eff. 5-28-2002; A by R140-12, 12-20-2012, eff. 1-15-2013)}~~

The NCDL third party regulations were strictly used for Fire Fighters and law enforcement. With the new regulation that removed the requirement to have a NCDL class A or B license these regulations are no longer needed. The NCDL third party program is no longer necessary.

### Commercial Driver's Licenses

**NAC 483.7992 "Commercial motor vehicle" defined.** (NRS 483.908) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating *or gross combination weight of 11,794 kilograms or more (26,001 ~~for more~~ pounds or more), whichever is greater, inclusive of ~~and which includes~~* a towed unit(s) with a gross vehicle weight rating *or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or*
2. Has a gross vehicle weight rating *or gross vehicle weight of 11,794 or more kilograms (26,001 ~~for more~~ pounds or more), whichever is greater; or*
- ~~3. Is designed to transport 16 or more passengers, including the driver; or~~
- ~~4. Regardless of size, is used in the transportation of materials which are considered to be "hazardous" for the purposes of the federal Hazardous Materials Transportation Act and for which the display of identifying placards is required pursuant to the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F.~~
5. *Is of any size and is used in the transportation of hazardous materials as defined in 49 CFR 383.5 ("Hazardous materials" defined)*

(Added to NAC by Dep't of Motor Veh. by R142-12, 11-1-2012, eff. 1-28-2013)

Updated the CMV definition to match CFR.

**NAC 483.801 Medical examiner's certificate: Generally; exception.** (NRS 483.908)

1. Except as otherwise provided in subsection 2, every person who applies for, or currently holds, a commercial driver's license or ~~instruction~~ permit must:



(a) Provide a current medical examiner's certificate and, if applicable, a document showing that the person was issued a variance by the Federal Motor Carrier Safety Administration of the United States Department of Transportation from the requirement to maintain a medical examiner's certificate or a waiver pursuant to NAC 483.8031; and

(b) On or before January 30, 2014, self-certify on a form prescribed by the Department that he or she intends to drive in only one of the following types of commerce:

- (1) Excepted interstate commerce;
- (2) Nonexcepted interstate commerce;
- (3) Excepted intrastate commerce; or
- (4) Nonexcepted intrastate commerce.

2. A person who applies for, or currently holds, a commercial driver's license or ~~instruction~~ permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of paragraph (a) of subsection 1.

(Added to NAC by Dep't of Motor Veh. by R142-12, 11-1-2012, eff. 1-28-2013)

Removed instruction since both the CLP and CDL IP definitions include permit and older existing regulations only had permit not instruction or learners

**NAC 483.8012 Medical examiner's certificate: Medical examination required; variance or waiver; exception.** (NRS 483.908)

1. Except as otherwise provided in subsection 5, every person who applies for, or currently holds, a commercial driver's license or ~~instruction~~ permit shall undergo a medical examination that meets the requirements of 49 C.F.R. § 391.43.

2. If the applicant or holder obtains a medical examiner's certificate that requires a variance or waiver, he or she may apply:

(a) To the Federal Motor Carrier Safety Administration of the United States Department of Transportation for a variance.

(b) To the Department for a waiver pursuant to NAC 483.8031 if the applicant or holder:

- (1) Is unable to obtain a variance from the Federal Motor Carrier Safety Administration;
- (2) Operates a commercial motor vehicle solely within the borders of this State; and
- (3) Does not hold an endorsement obtained pursuant to 49 C.F.R. § 383.93 to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials.

3. A holder of a commercial driver's license that contains an endorsement to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials who is unable to obtain a medical examiner's certificate and operates a commercial motor vehicle solely within the borders of this State must:

(a) Remove the endorsement and apply for a waiver pursuant to NAC 483.8031;

(b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031;

(c) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(d) Apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

4. A holder of a commercial driver's license whose variance issued by the Federal Motor Carrier Safety Administration has been removed or rescinded must:

- (a) If he or she wishes to continue operating a commercial motor vehicle:
- (1) Provide a current medical examiner's certificate indicating that the health of the holder is such that he or she does not require, or no longer requires, a waiver or variance to operate a commercial motor vehicle;
  - (2) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031; or
  - (3) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or
- (b) If he or she wishes to operate only a noncommercial motor vehicle, apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.
5. A person who applies for, or currently holds, a commercial driver's license or ~~instruction~~ permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of subsection 1.
- 6. An applicant unable to meet the hearing qualifications of 49 CFR 391.41 (b) (11) is not eligible for a waiver issued by the department and may apply for a Federal Motor Carrier Safety Administration variance.*
- (Added to NAC by Dep't of Motor Veh. by R142-12, 11-1-2012, eff. 1-28-2013)

FMCSA has recently begun issuing variances to applicants who do not meet the hearing requirements to be issued a CDL. The Department is taking a proactive approach allowing a hearing impaired driver to receive a CDL if they receive a federal variance and pass all appropriate tests.

Removed instruction since both the CLP and CDL IP definitions include permit and older existing regulations only had permit not instruction or learners

**NAC 483.8013 Medical examiner's certificate: Notice by Department before expiration.** (NRS 483.908) Before a medical examiner's certificate issued to a holder of a commercial driver's license or ~~instruction~~ permit expires, the Department may provide to the holder a notice that:

1. His or her medical examiner's certificate is due to expire;
  2. He or she must:
    - (a) Undergo a new medical examination and provide to the Department a copy of the new medical examiner's certificate;
    - (b) Change his or her self-certification pursuant to NAC 483.801 to a type of commerce that does not require a medical examiner's certificate; or
    - (c) Appear in person at an office of the Department and apply for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive, removing the commercial driving privilege; and
  3. He or she may be subject to the cancellation of his or her commercial driver's license or ~~instruction~~ permit for failing to perform one of the actions described in subsection 2.
- (Added to NAC by Dep't of Motor Veh. by R142-12, 11-1-2012, eff. 1-28-2013)

Removed instruction since both the CLP and CDL IP definitions include permit and older existing regulations only had permit not instruction or learners

**NAC 483.8014 Medical examiner's certificate: Failure to comply.**

1. A person who fails to comply with:
    - (a) The requirements of paragraph (a) of subsection 1 of NAC 483.801 is subject to a cancellation of his or her commercial driver's license or ~~instruction~~ permit.
    - (b) The requirements of paragraph (b) of subsection 1 of NAC 483.801 on or before January 30, 2014, or who operates a commercial motor vehicle outside of the type of commerce for which the person, on or after January 30, 2014, self-certified pursuant to NAC 483.801, is subject to a cancellation of his or her commercial driver's license or ~~instruction~~ permit.
    - (c) The provisions of subsection 3 or 4 of NAC 483.8012 is subject to a cancellation of his or her commercial driver's license or ~~instruction~~ permit.
  2. In addition to any penalty provided in the provisions adopted by reference in NAC 483.800, a person who holds a commercial driver's license or ~~instruction~~ permit with an expired medical examiner's certificate is subject to cancellation of his or her commercial driver's license or ~~instruction~~ permit.
  3. A person whose commercial driver's license or ~~instruction~~ permit is cancelled pursuant to this section shall surrender his or her commercial driver's license or ~~instruction~~ permit to the Department.
  4. To reinstate a commercial driver's license or ~~instruction~~ permit after cancellation, a person must pay the reinstatement fees established in NRS 483.910 and:
    - (a) Present a current medical examiner's certificate to the Department; or
    - (b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce.
- (Added to NAC by Dep't of Motor Veh. by R142-12, 11-1-2012, eff. 1-28-2013)

Removed instruction since both the CLP and CDL IP definitions include permit and older existing regulations only had permit not instruction or learners

**NAC 483.805 Instruction permit: Eligibility; effect.** ~~Effective through January 1, 2017.~~  
(NRS 483.908)

1. A person who is at least 21 years of age and has a valid Nevada driver's license or who has passed the tests that would qualify the person to be issued a Class C Nevada driver's license may apply to the Department for a commercial driver's license instruction permit.
  2. An instruction permit entitles the applicant, while having the permit in his or her immediate possession, to drive a designated class of commercial vehicle upon the highways. The permit is valid for 1 year and allows the holder of the permit to operate a commercial motor vehicle when accompanied by a licensed driver who:
    - (a) Is at least 25 years of age;
    - (b) Has been issued a license for the class and type of vehicle being operated;
    - (c) Has had at least 1 year of licensed commercial driving experience in the class and type of vehicle for which the instruction permit was issued; and
    - (d) Is actually occupying a seat adjacent to the driver.
- 3. The term includes, without limitation, permit, as used in NAC 483.799 – 483.850.***  
(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 2-14-91)

Added to allow the rest of regulations to pertain to a CLP and CDL IP. The same definition is included in the CLP definition. Will sunset one year after CLP implementation since we will no longer issue CDL IP.

**NAC 483.807 Waiver of certain physical requirements for ~~{instruction}~~ permit: Requirements for application; conditions and restrictions.** (NRS 483.908)

1. A person who wishes to apply to the Department for a ~~{commercial driver's license instruction}~~ permit may apply to the Department for a waiver of the physical requirements described in 49 C.F.R. § 391.41 in the same manner as prescribed for a person who wishes to apply for a commercial driver's license.
  2. A waiver issued to a person who wishes to obtain a ~~{commercial driver's license instruction}~~ permit is subject to the same conditions and restrictions as a waiver issued to an applicant who wishes to obtain a commercial driver's license.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-7-95; A by Dep't of Motor Veh. by R103-06, 6-28-2006)

Added to allow the rest of regulations to pertain to a CLP and CDL IP. The same definition is included in the CLP definition.

**NAC 483.810 Requirements for application for *commercial* ~~{instruction}~~ permit or license.** (NRS 483.908) In addition to complying with the requirements of NRS 483.290, an application for a ~~{commercial driver's instruction}~~ permit or a commercial driver's license must comply with the requirements of 49 C.F.R. § 383.23.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 2-14-91; A by Dep't of Motor Veh. by R105-04, 8-2-2004)

Added to allow the rest of regulations to pertain to a CLP and CDL IP. The same definition is included in the CLP definition.

**NAC 483.815 Requirements for application received by person previously licensed in another state.** (NRS 483.908) If an application for a ~~{commercial driver's instruction}~~ permit or a commercial driver's license is received from a person previously licensed in another state, the application is subject to the requirements of NRS 483.295.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 2-14-91)

Added to allow the rest of regulations to pertain to a CLP and CDL IP. The same definition is included in the CLP definition.

**NAC 483.825 Denial of license.** (NRS 483.908) The Department will not issue a license pursuant to NRS 483.900 to 483.940, inclusive, to a person:

1. Who is under 21 years of age *unless*:
  - a. A restriction for intrastate operation is added to the CDL or CLP; and*
  - b. A restriction prohibiting transportation of hazardous materials; and*
  - c. A restriction prohibiting the transportation of passengers pursuant to NAC 483.360 (2)(R)*
2. Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;
3. Whose driver's license is revoked, suspended or subject to disqualification;
4. Who has not passed the required examinations;
5. Who fails to comply with the requirements of [NAC 483.801](#); or

6. Who, in the opinion of the Administrator upon good cause and belief, would not be able to drive safely a commercial motor vehicle on the highways.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 2-14-91; A 11-7-95; 8-29-96; A by Dep't of Motor Veh. by R105-04, 8-2-2004; R012-05, 11-17-2005; R142-12, 11-1-2012, eff. 1-28-2013)

Added clarification that someone that is under 21 may be issued a CDL but must have restrictions added.

### Acceptable Docs

**NAC 483.050 Documentation required for proof of full legal name and age of applicant *for a non-commercial driver's license or identification card*; unacceptable documents.** (NRS 481.051, 483.220, 483.290, 483.860, 486.081)

1. Except as otherwise provided in subsections 2 and 3, an applicant for a *non-commercial* driver's license, motorcycle driver's license or identification card must present at least one of the following documents as proof of the applicant's full legal name and age as required pursuant to NRS 483.290, 483.860 or 486.081:

- (a) A valid, unexpired United States passport or United States passport card;
- (b) A certified copy of a birth certificate issued by a state or local office of public health, vital records or vital statistics or an equivalent office in the state of the United States, the District of Columbia or the territory of the United States in which the applicant was born;
- (c) A Consular Report of Birth Abroad issued by the United States Department of State;
- (d) An unexpired Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;
- (e) A Certificate of Naturalization issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;
- (f) A Certificate of Citizenship issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;
- (g) An unexpired employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;
- ~~{(h) An unexpired Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;}~~
- ~~{(h) h} An *unexpired Resident Alien Card* ~~{Alien Registration Receipt Card that is issued using}~~ Form I-551 *issued* by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~
- ~~{(j) A Permit to Reenter the United States issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~
- ~~—(k) A Refugee Travel Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;}~~
- ~~{(i) i} An unexpired foreign passport with a valid, unexpired United States visa which has affixed to it an unexpired arrival and departure record using Form I-94; or~~
- ~~{(m-j) j} A driver's license, motorcycle driver's license or identification card from another state which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17.~~

2. An applicant for a driver's license or identification card may, pursuant to NRS 483.290 or 483.860, furnish a photo identification card issued by the Department of Corrections as proof of his or her full legal name and age if the applicant also presents to the Department of Motor Vehicles the documentation that the Department of Corrections used to prove the applicant's name and age for the purpose of issuing the photo identification card.

3. An applicant for a driver's license, motorcycle driver's license or identification card may request permission from the Department to prove his or her full legal name and age using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. The forms of identification that are unacceptable to the Department as proof of the full legal name and age of an applicant for a driver's license, motorcycle driver's license or identification card in this State include, without limitation:

- (a) An identification card issued by a consulate of a foreign government;
- (b) A birth certificate issued by a hospital or foreign government;
- (c) A Border Crossing Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; and
- (d) A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States that does not comply with the requirements of 6 C.F.R. Part 37, Subparts A to E, inclusive.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R063-00, eff. 8-14-2000; A by Dep't of Motor Veh. by R112-03, 10-30-2003; R108-05, 10-31-2005; R140-12, 12-20-2012, eff. 1-15-2013; R028-13, 10-23-2013, eff. 1-1-2014)

Needed to distinguish acceptable docs for NCDL vs CDL.

This is clean up for post related Real ID. Temporary Resident Card, Permit to Reenter the United States and Refugee Travel Document are not acceptable docs per Real ID. Per Steve Kozar with DHS, if someone has one of these docs they will also have a Real ID acceptable doc.

**NAC 483.0787 Documentation required for proof of name and age of applicant; *driver authorization instruction permit or driver authorization card*.** (NRS 481.051, 483.220, 483.291)

1. Except as otherwise provided in subsections 2 and 3, an applicant for an instruction permit or for a driver authorization card pursuant to NRS 483.291, must present as proof of the applicant's name and age, an original or certified copy of:

- (a) Any one of the following documents:
  - (1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;
  - (2) A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;
  - (3) A passport or passport card issued by the United States Government;



(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card, Temporary Resident Card, Permit to Reenter the United States, Refugee Travel Document or an employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) An Alien Registration Receipt Card that is issued using Form I-551 by the United States Citizenship and Immigration Services of the Department of Homeland Security; or

(b) Any two of the following documents:

(1) A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States other than such a driver's license, motorcycle driver's license or identification card described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government; or

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar.

***(5) Mexican Federal Electoral Card***

2. Any document presented pursuant to subsection 1 must be valid and unexpired.

3. An applicant may request permission from the Department to prove his or her name and age using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. The forms of identification that are unacceptable to the Department as proof of the name and age of an applicant for an instruction permit or a driver authorization card pursuant to this section include, without limitation:

(a) A birth certificate issued by a hospital; and

(b) A Border Crossing Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(Added to NAC by Dep't of Motor Veh. by R028-13, 10-23-2013, eff. 1-1-2014)

Clarified the title to indicate these acceptable docs are for a DAC.

Upon researching CA acceptable docs for a DAC they are allowing a Mexican federal electoral card version 2013 or newer. According to the Mexican consulate the voter card is a more secure document than the consular card.

## Residency

**NAC 483.0785 Documentation required for proof of residence of applicant.** (NRS 481.051, 483.220, 483.291)

1. Except as otherwise provided in subsections 2 and 3, an applicant for an *identification card*, instruction permit, *driver license* or for a driver authorization card pursuant to NRS 483.291 must prove the applicant's residence in this State by displaying an original or certified copy of any two of the following documents:

- (a) A receipt from the rent or lease of a residence located in this State;
- (b) A lease of a residence located in this State on which the applicant appears as the lessee during a lease term which includes the previous 60 days;
- (c) A record from a public utility for a service address located in this State which is dated within the previous 60 days;
- (d) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;
- (e) A stub from an employment check indicating a residential address located in this State;
- (f) A document from a state or federal court indicating a residential address located in this State which is dated within the previous 60 days;
- (g) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;
- (h) A record, receipt or bill from a medical provider indicating a residential address located in this State;
- (i) Tax records for the most recent tax year, other than the records described in paragraph (k), indicating a residential address located in this State;
- (j) A statement or bill requesting payment, other than a bill from a medical provider, indicating a residential address located in this State which is dated within the previous 60 days;
- (k) A record of property taxes assessed or paid for the most recent tax year for a residence located in this State;
- (l) A deed of trust or other documentation of a current mortgage for a residence located in this State;
- (m) A record from an educational institution in this State which establishes that the applicant is currently enrolled in the educational institution or an identification card issued by the educational institution which is dated within the previous 60 days;
- (n) A receipt from a hotel, motel, recreational vehicle park or campground located in this State indicating not fewer than 30 days of consecutive residency in this State which is dated within the previous 60 days;
- (o) A voter registration card issued to the applicant pursuant to NRS 293.517 within the previous 60 days;
- (p) Documentation of receipt of benefits from this State under any state program of public assistance which is dated within the previous 60 days;
- (q) A Leave and Earnings Statement, or an equivalent or successor form, indicating residency in this State, of an applicant who is a member of the military and who is deployed outside of this State while serving on active duty which is dated within the previous 60 days;
- (r) A notarized statement from the owner of a residence located in this State indicating that the applicant physically resides at the residence which is dated within the previous 60 days;
- (s) Documentation indicating that the applicant is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive; or

(t) A form approved by the Department as proof of the applicant's residence in this State.

2. If an applicant is under the age of 18 years, the applicant's parent or legal guardian may prove the applicant's residence in this State by:

(a) Displaying an original or certified copy of any two of the documents listed in subsection 1 or authorized pursuant to subsection 3 which prove the parent or legal guardian's residence in this State; and

(b) Signing a form approved by the Department verifying that the applicant resides at the same residence as the parent or legal guardian.

3. An applicant may request permission from the Department to prove his or her residence in this State using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(Added to NAC by Dep't of Motor Veh. by R028-13, 10-23-2013, eff. 1-1-2014)

Added clarification that residency documents are required for all types of licenses and identification cards.

### **Fees**

#### **NAC 426.630 Fees. (NRS 426.441)**

1. Except as otherwise provided in subsection 2, the Department will charge the following fees for the issuance of an expedited service permit:

(a) For the issuance of a permit, a duplicate permit or the renewal of a permit to a person who is at least 65 years of age, a fee of \$~~16~~7.25.

(b) For the issuance of a permit, a duplicate permit or the renewal of a permit to a person who is less than 18 years of age, a fee of \$~~15~~6.25.

(c) For the issuance of a permit, a duplicate permit or the renewal of a permit to any other person, a fee of \$~~11~~12.25.

2. For the issuance of a duplicate permit to any person for the purpose of having a different photograph affixed to the permit or changing the address on the permit, or both, the Department will charge a fee of \$~~16~~7.25.

(Added to NAC by Dep't of Motor Veh. by R160-01, eff. 2-12-2002)

When the card production fee was increased from \$2.25 to \$3.25 this NAC was missed. The fee amount here has the card production fee built in. This is only regulation clean up. Programming for this is working and the correct fees are being charged.

**NAC 483.850 Exemptions from requirements. (NRS 483.908)** The following persons are exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.799 to 483.850, inclusive:

1. An operator of a farm vehicle that is:

(a) Controlled and operated by a farmer as a private motor carrier of property;

(b) Being used to transport either:

(1) Agricultural products; or  
(2) Farm machinery or farm supplies, or both,  
to or from a farm;  
(c) Not being used in the operation of a motor carrier for hire;  
(d) Being used within 150 miles of the operator's farm; and  
(e) Not carrying a hazardous material of a type or quantity which would require the vehicle to be placarded in accordance with 49 C.F.R. § 177.823.

2. A firefighter or any other person who operates a commercial motor vehicle *in the performance of official duties*, including, without limitation, a fire truck, hook and ladder truck, foam or water transport truck, police SWAT team vehicle, ambulance, or other vehicles ~~that is~~ used in response to emergencies, which is:

(a) Necessary to the preservation of life or property or the execution of emergency governmental functions;  
(b) Equipped with audible and visual signals; and  
(c) Not subject to normal traffic regulation.

3. A person who:

(a) Is exempt from the provisions of 49 C.F.R. Part 383 pursuant to subsection (c) of 49 C.F.R. § 383.3; and

(b) Is operating a commercial motor vehicle for military purposes.

4. A person who is driving a recreational vehicle that is being used solely for recreational purposes.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 2-14-91; A 1-24-96; A by Dep't of Motor Veh. by R062-02, 9-20-2002; R082-03, 10-30-2003; R105-04, 8-2-2004; R141-12, 11-1-2012, eff. 1-28-2013)

### **DUI & Refusal to Submit to Evidentiary Test**

**NAC 483.220 Restrictions on issuance of license.** (NRS 483.220, 483.490) A resident of Nevada who has had his or her driver's license suspended or revoked will not be issued a restricted license pursuant to subsection 1 or 2 of NRS 483.490 if:

1. The resident lives within 2 miles of his or her place of employment unless the resident meets all other requirements for granting the license and presents satisfactory evidence that he or she is physically unable to walk the distance.

2. The resident has been convicted of:

(a) Six or more traffic violations which have been assigned four or more demerit points each within a period of 5 years; or

(b) Any of the following offenses during the previous 12 months:

(1) A felony committed with the use of a motor vehicle, including, but not limited to, voluntary manslaughter or causing the death of or substantial bodily harm to a person in violation of subsection 2 of NRS 484B.653.

(2) Willfully failing or refusing to bring a vehicle to a stop, or otherwise fleeing or attempting to elude a peace officer in violation of NRS 484B.550.

(3) Failing to stop at the scene of an accident in violation of NRS 484E.010 or 484E.020.

(4) Failing to render assistance in the event of a motor vehicle accident which resulted in the death of or injury to another person in violation of NRS 484E.030.

(5) Violating a condition of a restricted license.

3. ~~{The resident has been convicted of any combination of the following offenses three or more times in the past 5 years:}~~ *In the past 5 years, the resident has been convicted of any combination of the following offenses:*

(a) *For drivers with a second or subsequent offense of ~~{D}~~driving or operating a motor vehicle while under the influence of intoxicants or drugs, or refusal to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, a combination of two or more offenses in subsection (a) and/or (b); OR-*

(b) *For all drivers, a combination of three or more of the following offenses:*

1) Driving a motor vehicle while his or her license, permit or privilege to drive was revoked or suspended.

~~{(e)}~~ 2) Leaving the scene of an accident which resulted in injury or death.

~~{(d)}~~ 3) Reckless driving.

4. The resident's license has been suspended pursuant to NRS 483.465 or chapter 485 of NRS.

5. The resident gives false information when applying for a restricted license.

6. The resident's driving privilege is currently suspended, revoked or cancelled in another state.

7. The resident is 18 years of age or older and his or her driver's license has been suspended pursuant to a court order for placing graffiti on or otherwise defacing the public or private property, real or personal, of another person in violation of NRS 206.330.

[Dep't of Motor Veh., Restricted License Reg. § V, eff. 4-29-82]—(NAC A 1-19-84; 4-16-85; 9-13-85; 3-3-94; 8-29-96; R133-97, 11-14-97; R012-05, 11-17-2005)